

### REMARKS

Claims 1-10, 12-18, 66-69, and 71-73 were pending as of the action of May 18, 2010. Claims 1, 10, and 71-73 are in independent form.

Amendments to claims 1, 10, and 71-73 are being submitted. No new matter has been added. Support for the amendments can be found throughout the specification, for example, in paragraphs 53-57.

Reconsideration of the action is respectfully requested in light of the foregoing amendments and the following remarks.

#### **Section 112 Rejections**

Claims 10 and 71-73 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for reciting “providing an electronic document including a link to the network without providing the advertisement image.” Applicant respectfully disagrees.

Nevertheless, these claims have been amended and no longer recite this limitation. Applicant respectfully requests that this rejection to claims 10 and 71-73 be withdrawn.

#### **Section 103 Rejections**

Claims 1-10, 12-18, 66-69 and 71-73 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 00/38074 (“Kay”), in view of U.S. Patent Publication No. 2002/0123912 (“Subramanian”).

#### Independent claim 1

Kay and Subramanian, either alone or in combination, do not describe “evaluating current advertisement rankings of the first plurality of advertisements for changes” and “if there are changes in the advertisement rankings, initiating the advertisement image identification means to identify a modified advertisement image” to be transmitted “for inclusion when the electronic document is presented to the user upon receiving the indication of the user accessing the electronic document,” as recited by amended claim 1.

Kay describes a system that evaluates ad rankings when an opportunity to display an ad on a web page becomes available. *See* page 7, lines 22-25, and page 8, lines 1-10. These viewing opportunities are called “view ops,” which are not themselves advertisements. *See* page 7, line 22. In other words, Kay determines ad rankings one time when deciding which ads to display, namely “when a view-op becomes available.” *See* page 16, line 3.

The cited portions of Kay do not describe, however, “evaluating current advertisement rankings of the first plurality of advertisements for changes” and “if there are changes in the advertisement rankings, initiating the advertisement image identification means to identify a modified advertisement image.” In contrast, the cited portions of Kay do not teach or suggest comparing previously calculated rankings. Kay simply recalculates rankings when a page viewing opportunity (“view op”) presents itself.

Kay describes comparing current bids when a viewing opportunity presents itself, but Kay does not describe evaluating rankings for changes in the advertisement rankings in order to identify a modified advertisement image. Therefore, Applicant respectfully submits that the cited portions of Kay do not describe these features of amended claim 1. Neither does Subramanian.

Subramanian describes a system that displays advertisements relevant to a goal that a user is searching for. *See Abstract*. For example, if a user is looking at a page with computers, an appropriate advertisement is shown. *See* paragraph 113.

The cited portions of Subramanian do not describe “evaluating current advertisement rankings of the first plurality of advertisements for changes” and “if there are changes in the advertisement rankings, initiating the advertisement image identification means to identify a modified advertisement image” as recited by amended claim 1. As with Kay, Subramanian describes a system in which only a single ranking is contemplated. Subramanian does not describe or suggest evaluating current advertisement rankings for changes in previously calculated rankings.

Accordingly, claim 1 is not obvious in view of Kay and Subramanian. Applicant respectfully submits that claim 1 is condition for allowance for at least this reason.

Claims 2-9 and 66-69 depend from claim 1 and are also allowable for at least this reason.

Independent claim 10

Claim 10, as amended, is directed to a method for “evaluating current advertisement rankings of the first plurality of advertisements for changes in the advertisement rankings upon receiving the request as compared to the advertisement rankings on which the generation of the advertisement image was based, and if there are changes in the advertisement rankings, identifying a modified advertisement image, wherein the modified advertisement image identifies a second plurality of advertisements related to the specific distribution subject including current highest-ranked advertisements of the first plurality of advertisements.”

Applicant respectfully submits that Kay and Subramanian, either alone or in combination, do not describe or suggest these features of amended claim 10. Accordingly, claim 10 is not obvious in view of Kay and Subramanian.

Applicant respectfully submits that claim 10 is in condition for allowance for at least this reason. Claims 12-18 depend from claim 10 and are allowable for at least this reason.

Independent claim 71

Claim 71, as amended, is directed to a system comprising computers with instructions stored thereon operable to perform operations comprising “evaluating current advertisement rankings of the first plurality of advertisements for changes in the advertisement rankings upon receiving the request, and if there are changes in the advertisement rankings, identifying a modified advertisement image, wherein the modified advertisement image identifies a second plurality of advertisements related to the specific distribution subject and includes a plurality of advertisements including current highest-ranked advertisements.”

Applicant respectfully submits that Kay and Subramanian, either alone or in combination, do not describe or suggest these features of amended claim 71. Accordingly, claim 71 is not obvious in view of Kay and Subramanian.

Applicant respectfully submits that claim 71 is in condition for allowance for at least this reason.

Independent claim 72

Claim 72, as amended, is directed to a stored computer program comprising instructions operable to perform operations comprising “evaluating current advertisement rankings of the first plurality of advertisements for changes in the advertisement rankings upon receiving the

request, and if there are changes in the advertisement rankings, identifying a modified advertisement image, wherein the modified advertisement image identifies a second plurality of advertisements related to the specific distribution subject and includes a plurality of advertisements including current highest-ranked advertisements.”

Applicant respectfully submits that Kay and Subramanian, either alone or in combination, do not describe or suggest these features of amended claim 72. Accordingly, claim 72 is not obvious in view of Kay and Subramanian.

Applicant respectfully submits that claim 72 is in condition for allowance for at least this reason.

Independent claim 73

Claim 73, as amended, is directed to a method comprising the steps of “evaluating current advertisement rankings of the first plurality of advertisements for changes in the advertisement rankings upon receiving the request, and if there are changes in the advertisement rankings, identifying a modified advertisement image, wherein the modified advertisement image identifies a second plurality of advertisements related to the specific distribution subject and includes a plurality of advertisements including current highest-ranked advertisements.”

Applicant respectfully submits that Kay and Subramanian, either alone or in combination, do not describe or suggest these features of amended claim 73. Accordingly, claim 73 is not obvious in view of Kay and Subramanian.

Applicant respectfully submits that claim 73 is in condition for allowance for at least this reason.

### **Conclusion**

For the foregoing reasons, Applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, Applicant's decision to amend or cancel any claim should not be understood as implying that Applicant agrees with any positions taken by the Examiner with respect to that claim or other claims.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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